

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

10 VAHE DERMESROBIAN, ) CASE NO. CV 15-7687-FMO (JCG)  
11 Petitioner, )  
12 v. ) ORDER ACCEPTING REPORT AND  
13 W.L. MONTGOMERY, WARDEN, ) ADOPTING FINDINGS, CONCLUSIONS,  
14 Respondent. ) AND RECOMMENDATIONS OF UNITED  
 ) STATES MAGISTRATE JUDGE, AND  
 ) DENYING CERTIFICATE OF  
 ) APPEALABILITY

Pursuant to 28 U.S.C. Section 636, the Court has reviewed the Petition, records on file, and the Report and Recommendation of the United States Magistrate Judge. Further, the Court has engaged in a *de novo* review of those portions of the Report to which Petitioner has objected. The Court accepts the Report and adopts the findings, conclusions, and recommendations of the Magistrate Judge.<sup>1</sup>

23       <sup>1</sup> In lieu of objections, on December 30, 2016, Petitioner filed  
24 a request to stay the Petition while he returned to state court to  
25 exhaust additional, unspecified, claims. (Doc. No. 12.) The stay  
26 request is denied because any new claims would clearly be untimely.  
27 Petitioner's conviction became final on January 13, 2015, 90 days  
28 after the California Supreme Court denied his petition for review on  
October 15, 2014. See *Patterson v. Stewart*, 251 F.3d 1243, 1246  
(9th Cir. 2001). Petitioner's filing of the instant Petition on  
September 30, 2015 did not toll the statute of limitations, see  
*Duncan v. Walker*, 533 U.S. 167, 181-82 (2001), which, therefore,  
expired on January 13, 2016.

1       Further, for the reasons stated in the Report and  
2 Recommendation, the Court finds that Petitioner has not made a  
3 substantial showing of the denial of a constitutional right and,  
4 therefore, a certificate of appealability is denied. See 28 U.S.C.  
5 § 2253(c)(2); Fed. R. App. P. 22(b); *Miller-El v. Cockrell*, 537 U.S.  
6 322, 336 (2003).

8 DATED: May 11, 2018

/s/

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Further, a review of the state appellate website, at appellatecases.courtinfo.ca.gov, reveals that Petitioner has not filed a petition in state court since filing his request for a stay.